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YACOB, SISAY				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,309

Applicant(s)

GEER, BARRY

Examiner

SISAY YACOB

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1 The application of Geer for "Traffic Light with Modular Pole" filed on February 22, 2007 has been examined.

Claims 1-12 are pending.

Claim Rejections - 35 USC § 102

2 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3 Claims 1-4, 6, 12-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent of Armstrong (5,986,576).

4 As to claim 1, Armstrong discloses a light assembly (Item 10) comprising a pole having a plurality of inter-engagable sections (Items 24 and 34) located end-to-end to form the pole (See figures 1 and 2) and a light attached at an operatively upper end of the pole (Items 12, 14 and 16).

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5 As to claim 2, Armstrong discloses the pole includes a light connector at an upper end thereof (Item 64).

6 As to claims 3 and 4, Armstrong discloses a footpiece is engaged underneath an operatively lowest section of the pole, and has an operatively lower outwardly extending skirt providing a wider base section for supporting the pole (Item 30).

7 As to claim 6, Armstrong discloses the interconnectable sections have second bores therethrough so that the assembled pole includes a passage therethrough (Col. 7, lines 12-17, 51-56).

8 As to claim 12, Armstrong discloses an adaptor (Item 11) is connectable to the light connector (Item 64), the adaptor having a number of sockets for receiving lights in the sockets (Item 12, 14 and 16).

9 As to claim 13, Armstrong discloses the light connected to the pole includes a bank of light emitting diodes (Col. 2, lines 60-64).

10 As to claim 14, Armstrong discloses the bank of light emitting diodes is controlled to emit one of a plurality of different colors of light at a time (Col. 3, lines 5-16, 28-38).

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11 As to claim 16, Armstrong discloses the light assembly is a traffic light assembly (Col. 2, lines 60-64).

Claim Rejections - 35 USC § 103

12 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13 The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14 Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent of Armstrong.

15 As to claim 15, Armstrong does not expressly disclose groups of light emitting diodes in the bank can be switched off while the remaining light emitting diodes are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light assembly of Armstrong by the having a selected groups of light emitting diodes in the bank can to be switched off while the remaining light emitting diodes are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on, because it is conventional to have a selected groups of light emitting diodes to be switched off while the remaining light emitting diodes are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on to indicate turning signals in traffic light assembly.

16 Claims 5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent of Armstrong in view of the U.S. Patent of Sorenson, Jr. et al. (20060255954 A1) and further in view of the U.S. Patent of Guertler (5,964,444).

17 As to claim 5, Armstrong discloses the inter-engagable sections are cylindrical (See figures 1 and 2).

However, Armstrong does not expressly disclose have complementary neck and collar formations on one end and complementary shaped first inner blind bores for receiving the neck of an adjacent section.

Guertler discloses a traffic light assembly that has inter-engagable sections is cylindrical and has complementary neck and collar formations on one end and

complementary shaped first inner blind bores for receiving the neck of an adjacent section (See figures 1-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light assembly of Armstrong by the light assembly pole, as disclosed by Guertler, in order to have a traffic light assembly that has an inter-engagable sections are cylindrical and have complementary neck and collar formations on one end and complementary shaped first inner blind bores for receiving the neck of an adjacent section, because skilled in the art would be aware of both prior arts, since they are directed to solving same problem and Guertler discloses an inter-engagable section (See figure 5) that is cylindrical and has complementary neck (item 100) and collar (Item 200) formation and Armstrong suggests alternative structures may be used for connecting the pole (Col. 7, lines 38-50). Furthermore, having inter-engagable sections that are cylindrical and having complementary neck and collar formations is conventional method of joining adjacent section of poles and pipes in various arts.

18 As to claims 7 and 8, the combination of Armstrong and Guertler does not expressly disclose a securing line is located through the passage and secured at least one end and one or both ends to secure the sections of the pole together, and the securing line is a rod (See figures of both prior arts).

However, the combination of Armstrong and Guertler does not expressly disclose a securing line to be tightened in an axial direction, and the rod having screw threaded ends for receiving nuts for securing the sections together.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Guertler, by having a securing line to be tightened in an axial direction, in order to have a securing line is located through the passage and secured at least one end and to be tightened in an axial direction at one or both ends to secure the sections of the pole together, and the securing line is a rod having screw threaded ends for receiving nuts for securing the sections together, because both Armstrong and Guertler suggest alternative structures may be used for connecting the pole and one skilled in the art would readily understand the different pole sections may be joined by various ways and means including the sections being tightened in an axial direction at one or both ends as it is conventional method of joining adjacent section of poles and pipes in various arts.

19 As to claim 9, the combination of Armstrong and Guertler disclose the light connector includes lip formations, one lip formation extending upwardly from a base thereof (Item 35 of Armstrong) and the other downwardly form an operatively upper end of a cylindrical section to form downwardly and upwardly facing channel sections for receiving lugs at the rear of a traffic light therein (Item 64 of Armstrong and Item 200 of Guertler).

20 As to claim 10, Armstrong discloses a light is securable at any position about the cylindrical section (Col. 2, lines 65-67).

21 As to claim 11, the combination of Armstrong and Guertler disclose the base and cylindrical section are axially movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

However, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Guertler, by having the base and cylindrical section are axially movable relative to each other, in order to have the base and cylindrical section are axially movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations because both Armstrong and Guertler suggest alternative structures may be used for connecting the pole and one skilled in the art would readily understand the different pole sections may be joined by various ways and means including the sections being fasten in axial direction at one or both ends as it is conventional method of joining adjacent section of poles and pipes in various arts, wherein, any part including the base and cylindrical section may be axially movable relative movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

Conclusion/Correspondence

22 Any inquiry concerning this communication or earlier communications from the examiner should be directed to SISAY YACOB whose telephone number is (571)272-

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8562. The examiner can normally be reached on Monday through Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sisay Yacob
3/15/2008

/Davetta W. Goins/
Acting SPE of Art Unit 2612